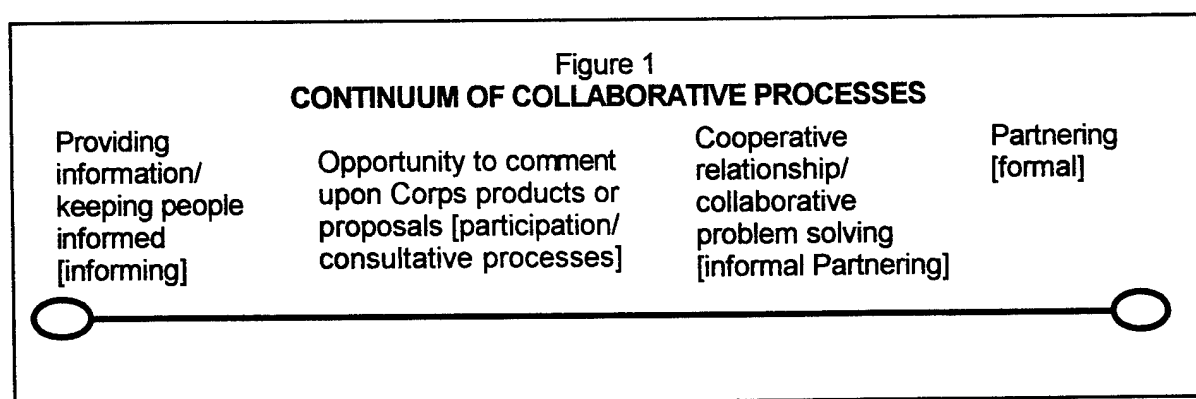


Chapter 1

DEFINING PARTNERING

Within the Corps, *partnering* is used to describe different processes and behaviors. These range from informal meetings with a sponsor to meetings and workshops with outside stakeholders to formal processes where people go through a team-building session, sign a charter, and even grade each other on a scorecard. All of these collaborative processes can be helpful at different points in the Civil Works program. They all fit somewhere on the continuum in Figure 1.



Informing

At one end of the continuum, Corps staff may simply keep outside parties informed. The Corps may distribute reports or prepare a newsletter describing a proposed action. Or the Corps may hold briefings for interested groups or significantly impacted individuals. Also, local sponsors may hold briefings and meetings.

Participation Processes

On other occasions, the Corps may provide the opportunity for non-Corps parties to comment upon or react to Corps products or proposals. For example, a number of Civil Works actions require public hearings. But even when there is no such formal requirement, less formal meetings and workshops may provide useful information to the Corps about the acceptability of various proposals and how to implement the proposed action successfully. In these meetings, the Corps is clearly the decision maker, but individuals are given a chance to "input" before the decision is made.

In *participation processes*, plans and ideas are discussed with interested groups and individuals, and they have the opportunity to comment and make recommendations. But the decision is made by the Corps. If the focus of the participation is with the general public, it is often called public involvement or public participation. If the focus is a local sponsor, or a contractor, it may be called consultation. But throughout this guide, the single term "participation" will be used.

Informal Partnering

Further to the right of the continuum, the Corps and outside parties work together to solve a problem. This might be a one-time event, or it might continue over time. There's no formal agreement to enter into *partnering*. There is, however, a cooperative working relationship, and decisions are usually made by mutual agreement.

In *informal partnering*, the participants are well defined, and there is a *structured process* for discussions, such as a working group that meets regularly. There is no partnering agreement (although there may be a written charter), nor do the parties go through a team-building session. There is an effort to reach decisions by mutual agreement, but when that is not possible, the Corps makes decisions within its realm of accountability.

The primary difference between participation and informal partnering is the amount of structure in the collaborative process. In participation, the Corps (or the partnering team) creates opportunities for people to actively participate and to influence and shape eventual decisions. These opportunities are open to anyone, and, typically, participants meet only a few times or whenever there is a specific decision to be made. The agency listens carefully, responds to, and is influenced by the recommendations from the participants.

In informal partnering, a definable group of people meet on a regular basis. There is some understanding or agreement on how the group will work together. Although the agency still retains decision-making authority, there is normally an explicit effort to reach decisions by mutual problem-solving.

Formal Partnering

Formal partnering is at the far right of the continuum. In formal partnering, the parties do the following:

- Make an agreement to enter partnering (although it is not a legally binding relationship)
- Participate in a structured, facilitated team-building session and joint training
- Jointly create a charter which addresses the following topics:
 - Removing organizational impediments to open communication
 - Providing open and complete access to information
 - Empowering the working staff to resolve as many issues as possible
 - Reaching decisions by mutual agreement as much as possible, and the process for rapid resolution of disputes
 - Consulting with other interested or affected agencies or individuals
 - Maintaining and nurturing the partnering relationship
- Participate in periodic follow-up sessions or joint training
- Jointly manage the endeavor in a way that maximizes the effectiveness of each partner's resources

Each of these collaborative approaches is useful at some time in the Corps Civil Works program. They may all be used even on the same project. Each can help to build consensus and to prevent disputes. Each can help to raise issues early, to identify interests, and to create cooperative solutions based on those interests before they become hardened positions.

Choosing Between a Participation Process and Informal Partnering

Here are some guidelines for choosing between a participation process and informal partnering:

- **Continuity**

It takes more time and effort to set up a structured approach, but that's justified if the parties will work together on a continuing basis. Informal partnering has greater value when there may be a series of decisions made over a number of

months, or even years. For example, if you know you need to make annual decisions affecting project users, then it may be worthwhile to set up a structured mechanism to accomplish this. If you need a one-time decision, then participation approaches -- such as workshops -- may be more suitable.

- **Defined Participants**

If you know exactly which organizations need to be represented then you can set up an informal partnering mechanism. But if the participants are not well defined -- for example, all recreational users in a river basin -- then it's hard to know who represents them. Advisory committees are sometimes designed to represent broad constituencies, but then there's a careful and time-consuming process of selecting members who can represent these constituencies.

- **Knowledge/Expertise**

One of the advantages of informal partnering over participation is that the participants build up knowledge and expertise about the subject matter. Information from one meeting gets transferred over to the next. Normally participants also build a higher level of trust, because they've worked together over time.

- **Level of Interest**

Informal partnering only works when the participants have sufficiently high interest in the subject matter that they will continue to participate over time. As a result, informal partnering usually works only when the participants have a continuing agency mandate, economic interest, or very strong personal interest in the subject matter. Short-term controversies may be best addressed using participation approaches.

Choosing to Use Formal Partnering

Formal partnering involves the highest level of commitment of time, resources, and shared responsibilities. It involves building a team that effectively co-manages the project or endeavor. This level of commitment is not made lightly. Before entering into a formal partnering relationship, you need to satisfy yourself that the potential partners meet the following criteria:

- **The potential participant brings something to the table.**

When partnering involves the Corps and a contractor, or the Corps and a local sponsor, both parties bring resources with them, and both will share in the risks and benefits from the decisions made. This is also true when regulators are involved. Even if regulators bring no new financial resources, they lend their credibility, which is an asset they want to protect and which can be at risk. Interest groups bring whatever political capital they have to expend with elected officials, the media, and others.

- **The potential participant shows willingness to make an up-front commitment to be part of the team.**

Many interest groups are accustomed to waiting to see what decision is made and then deciding whether to support it. Partnering offers these groups a chance to influence the decision, but in return they are asked to make an up-front commitment to taking action to solve the problem (even if there's no agreement in advance on what that action will be). Representatives of single-issue groups often feel that just by admitting the problem must be solved or acknowledging the legitimacy of other interests they water down the potency of their own position. They have to move past this threshold to be a partner.

- **The potential participant makes the commitment of time and resources necessary to take part.**

It takes time and money to participate in a partnering process. It doesn't work for any partner to be there only part of the time. If other agencies, individuals, or groups are unwilling to make this commitment, the partnering process will flounder.

- **The interested individuals or groups are well-defined and organized.**

An interested group of people—neighbors, for example—may have a legitimate interest in the decision, but not be part of an organized group. It is difficult to include an unorganized group of people in partnering. Who can make commitments on behalf of the group? How would it be determined whether the group is fully representative? Sometimes an existing organization, such as a homeowners' association, can represent neighbors. But often the officers of the association were elected without any connection to the issue at hand and so may not be representative on this issue.

- **An agreement must exist that the potential participant represents the group or interests that the participant claims to represent.**

Partners should be able to make binding commitments and also maintain commitment to the philosophy and principles of partnering. Community or environmental interests are often represented by more than one group, each with a slightly different focus or political philosophy. It is often not clear whether an environmental representative, for example, can make commitments for the entire environmental community. One option is to convene the groups and ask them to select someone to represent them. But there must be full commitment to partnering, not merely an agreement to send a representative. The groups also need to put mechanisms in place to ensure that the representative continues to represent the will of their groups.

Chapter 2

USING PARTNERING IN CIVIL WORKS

The circumstances surrounding a project -- who the interested parties are, how well they are defined, how intense is their interest, the level of knowledge and expertise of potential partners, whether groups are able to work together cooperatively -- all affect which collaborative process is used.

Here is a brief summary of how participation, informal partnering, and formal partnering can be used during different phases of Corps Civil Works projects:

Reconnaissance

Reconnaissance is the first phase in a potential Corps project. It includes a preliminary assessment of the problems and opportunities, the alternative solutions that might be employed, and a decision as to whether further study is justified. In this phase, the following issues are most important to potential partners:

- The definition of the problem and its scope
- The range of alternatives that will be considered
- The baseline that will be used for assessing the impacts of any proposed project
- Estimates of future economic and environmental conditions
- Commitment of non-Federal sponsors to share the cost of the feasibility study and enter into a Feasibility Cost-Sharing Agreement (FCSA)

Typically there are no contractors at this stage. The people or groups who are most likely to be interested during the reconnaissance phase include potential local sponsors, interest groups (e.g. community or environmental groups), and other government agencies (local, state and Federal).

During this phase, the Corps is deciding whether any project is likely and is assessing whether other entities share common interests. As a result, formal partnering is unlikely, although there are ample opportunities for participation and informal partnering.

Since the reconnaissance phase is completed in under 1 year, scheduling may have a strong impact on what approach to partnering is used.

Feasibility

The *feasibility* phase includes detailed evaluations of the problems, opportunities, and alternatives, including the benefits, costs, and impacts associated with potential alternatives. It leads to a decision on a proposed plan of action. In this phase, the following issues are most important to potential partners:

- The feasible alternatives
- The methodology for assessing potential environmental impacts
- The economic and environmental impacts associated with each alternative
- Selection of the preferred alternative
- Study coordination
- Commitment of non-Federal sponsor to support the project and share the cost of the Preconstruction, Engineering and Design (PED) phase by signing the PED Agreement

The potential partners during feasibility studies include local sponsors, other government agencies, and interest groups. Also, there may be an architect or engineering contractor at this phase, or an environmental contractor.

During this stage, formal partnering could begin with local sponsors, other government agencies, or contractors. Interest groups are unlikely to be interested in formal partnering since there is no agreement on a course of action until the end of this phase, but the local community and interest groups welcome opportunities for participation or informal partnering.

Preconstruction, Engineering and Design (PED)

During this phase, the Corps oversees the detailed design of the proposed project. In the PED phase, the following issues are most important to potential partners:

- The amount of flexibility in design specifications
- Using design to reduce project impacts
- Opportunities for value engineering
- Study coordination
- Commitment of non-Federal sponsor to support the project and sign the Project Cooperation Agreements (PCA)

Local sponsors and contractors are likely to have great interest during this phase. Except in special circumstances, design usually is of less interest to community or interest groups. If a construction contractor has been selected, there is considerable potential for partnering around specifications and construction methods.

The potential use of formal partnering with local sponsors and contractors is high, but the interest of local officials or community groups may not be high unless it directly affects an existing use or legal mandate (e.g. decision-making about local planning issues). In a few specialized cases -- such as when there are user groups -- an interest group will become a part of formal partnering now that there is a defined project.

Construction

This phase involves the actual construction of a project or separable element. The following issues are most important to potential partners during the construction phase:

- Management of construction
- Cost and time savings achieved through mutual problem-solving
- Reduction of construction-related impacts upon communities and the environment
- Employment and subcontracting opportunities in the community

Local sponsors and contractors will be interested in joint management of construction and in cost and time savings achieved through mutual problem-solving. Local governments and interest groups may have considerable interest in mechanisms for reducing construction-related impacts and in increasing employment and subcontracting opportunities in the community.

This is the traditional point for formal partnering with contractors and subcontractors. It is also an opportunity for informal or formal partnering with local sponsors. The transition from design to construction presents opportunities for informal or formal partnering. The potential exists for informal or formal partnering with local sponsors and other governmental agencies regarding construction impacts upon the community and environment.

Operations and Maintenance (O&M)

This is the phase after construction is complete and the physical project features are in continuing use. In this phase, the following issues are most important to potential partners:

- Criteria/standards for operation
- Changes in operations to accommodate changes in population, use, or environmental impact
- Allocation of costs for operations and maintenance
- Reduction of operating or maintenance costs through mutual problem solving
- Definition of responsibilities of all the parties

At this stage, there are no contractors involved (A&E firm, designer, or construction contractor) unless some of the maintenance is contracted. However, users and beneficiaries may want to play an active role during this phase. Sometimes the project is turned over to the local sponsor for operation and maintenance.

Local sponsors and other government agencies remain the most likely candidates for formal partnering. Users and beneficiaries may seek participation or informal partnering opportunities in the continuing operation of the facility, or mitigation of impacts associated with the facility. Formal partnering is unlikely with such groups unless there is a very direct physical or economic impact resulting from operations.

Regulatory

Individuals must receive a permit from the Corps before proceeding with any development in wetlands or navigable waterways in the United States. Decision making in the Corps' regulatory program does not follow the project cycle described above, but there are still opportunities for using collaborative processes.

When the Corps is considering a request for an individual permit, it may hold public hearings as part of the process. Corps districts may work informally with potential applicants for major projects to identify issues that applicants need to address in developing their plans. They may also encourage applicants to consult with potentially interested or affected parties before submitting an application, since the opportunity for collaborative problem-solving is greatest before a formal application is filed.

Because of its regulatory responsibilities, the Corps cannot use a formal partnering process with an applicant prior to issuing a permit. Depending upon circumstances, potential exists for informal or formal partnering once a permit is granted, so long as the terms of the permit are upheld.

Often local governments or state regulatory agencies have some regulatory authority as well, and applicants frequently must obtain permits from all the entities. Several Corps districts have found that joint processing of permits saves time and money and leads to more consistent standards. Joint processing can be accomplished through periodic meetings at which all the agencies discuss their concerns and issues with each application. In other cases, reviewers are physically housed in the same facility so they can work together to review applications.

The potential value of joint processing increases sharply if the Corps issues a general permit, rather than individual permits. A general permit sets out criteria for all permits in a particular geographic area or of a common programmatic type (e.g., all land fills). If an individual applicant is able to meet those criteria, an individual permit can be issued rapidly, sometimes even the same day.

Partnering with the other affected agencies, either informally or formally, would occur during the development of the terms of the general permit. Interest groups could also be included in informal partnering, and there would definitely be participation opportunities during the development of the terms and conditions of the general permit.

In the regulatory program, formal partnering is most useful in developing general permits. It has been successful in developing statewide general permits and area wide special permits in various parts of the country. This experience is similar to that of the Air Force and Navy in the southeastern and western United States.

Overall Corps experience with developing general permits is that they are a lot of work to get in place, but are worth it in the long-term because of cost and time savings. General permits also allow Corps staff to concentrate more on the most important individual permits, since less time is spent processing routine applications.

Partnering may also be helpful in providing assistance to local sponsors in obtaining necessary permits for local sponsors to operate projects that have been turned over to them.